

REMARKS

I. Status of the Application

At the time of the Action, Claims 1-45 were pending. Claims 10, 11, 17, 29 and 38-40 have been canceled, and Claims 46-48 have been added above.

The drawings are objected to for certain informalities and the absence of two figures referenced in the specification. Claim 45 stands rejected under Section 112, first paragraph. Claims 14, 15, 27 and 28 stand rejected under Section 112, second paragraph. Claims 12, 23-25, 27, 28, 30, 41 and 45 stand rejected under Section 102(b). Claims 1-9, 12, 14-16, 18, 20, 33-35, 42 and 43 stand rejected under Section 103(a). These rejections and objections are addressed below.

In addition, Claims 10, 17 and 29 were deemed to recite allowable subject matter. These claims have been canceled and their subject matter incorporated into new Claims 46-48 respectively. As such, Claims 46-48 are allowable.

II. The Drawing Objections

The Action objects to the drawings for the absence of Figures 3A and 15. Applicants have submitted herewith replacement Figures 3A and 15. The subject matter illustrated in these figures are clearly described in the specification (for example, the subject matter of Figure 3A is described at page 7, line 24 to page 8, line 7, and the subject matter of Figure 15 is described at page 14, line 24 to page 15, line 10). As such, Applicant submits that these figures include no new matter.

The Action also objects to the absence of a "retaining member" as recited in Claim 45 in the figures. This feature is described in the specification at page 14, line 24 to page 15, line 10, and is illustrated in Figure 15 submitted herewith.

The Action also objects to the absence of reference numerals on Figures 10-14. Applicants submit herewith replacement figures that include reference numerals.

In view of the foregoing, Applicants respectfully request that the objections to the drawings be withdrawn.

III. The Section 112 Rejections

The Action rejects Claim 45 under Section 112, first paragraph, as unenabled for the recitation of a "retaining member". Applicants respectfully directs the Examiner's attention to Figure 15, submitted herewith, which illustrates retaining member **480**. As described in the specification, the retaining member assists in retaining the locking member in place by engaging the pawl member and the locking pin. The description in the specification would enable one skilled in this art to understand the subject matter of Claim 45. As such, Applicants respectfully request that this rejection be withdrawn.

The Action also rejects Claims 14, 15, 27 and 28 for the inclusion of the term "multiple layers." This term refers to a construction of the rotary member in which parallel layers of material are stacked on one another to form the rotary member (*see, e.g.*, layers **166** in **Figure 10**). This construction enables the thickness of the rotary member to be selected for a particular application depending on the expected load on the rotary member. Applicants submit that, in view of this explanation, the meaning of the term "multiple layers" would be understood by one skilled in this art, and request that this rejection be withdrawn.

V. Rejections under Section 102(b)

A. Claims Rejected under Raffelsiefer

Claims 12, 23-25, 27, 28, 30 and 45 stand rejected as anticipated under Section 102(b) by U.S. Patent No. 4,298,223 to Raffelsiefer et al (Raffelsiefer)¹. More specifically, the Action points to Figures 3-5 of Raffelsiefer as disclosing all of the elements of Claim 23. However, both of Claims 23 and 45 recite that the pawl member includes an engagement projection that "selectively engages the rotary member to prevent rotation of the rotary member in a first rotative direction **but permit free rotation of the rotary member in a second rotative direction that is opposite the first rotative direction.**" The "rotary member" of Raffelsiefer

¹ Applicants believe that the rejection of Claim 12 under Section 102(b) is erroneous, as Claim 12 depends from Claim 1, which is only rejected under Section 103(a). If Claim 1 is not anticipated by Raffelsiefer, then Claim 12 cannot be either.

(identified in Raffelsiefer as a rotary catch 4') does not meet this recitation in any of the positions shown in Raffelsiefer. For example, in **Figure 3** of Raffelsiefer, the interaction between the locking tooth 19 of the rotary catch 4' prevents clockwise rotation, and a spring 18 that is attached to a stay bolt 26 on the rotary catch 4' prevents counterclockwise rotation. In **Figure 5** of Raffelsiefer, clockwise rotation of the rotary catch 4' is prevented by the spring 18, and counterclockwise rotation is prevented by the interaction of the stay bolt 26 with the bottom end of a slot 25 in the housing 1'. In **Figure 4** of Raffelsiefer, the spring 18 prevents clockwise rotation, and a locking tooth 20 engages a blocking tooth 23' in the locking pawl 5' to prevent counterclockwise rotation. Thus, in none of these positions can the rotary catch 4' freely rotate in one direction while being prevented from rotating in the other direction. As such, Raffelsiefer fails to disclose at least this element of Claims 23 and 45, and cannot anticipate Claim 23, Claim 45, or any claims depending therefrom. Accordingly, Applicants respectfully requests that this rejection be withdrawn.

B. Claims Rejected under Garvey

The Action rejects Claim 41 under Section 102(b) based on U.S. Patent No. 4,432,575 to Garvey et al. (Garvey). Applicants respectfully direct the Examiner's attention to Claim 41, which has been amended hereinabove to recite that the axis of the locking pin is generally parallel to but non-collinear with the axis of rotation of the striker plate. This recitation is not met by Garvey, which illustrates a striker plate 22 that has an axis of rotation that is coincident with the axis of the locking pin 28. As such, Garvey fails to anticipate Claim 41, and this rejection should be withdrawn.

VI. The Section 103(a) Rejections

A. Rejection of Independent Claim 1 and Claims Depending Therefrom

The Action rejects Claim 1 under Section 103(a) based on Raffelsiefer in view of U.S. Patent No. 3,909,060 to Katayama (Katayama). Raffelsiefer is cited as discussed above, but the Action concedes that Raffelsiefer fails to disclose the latch shown therein in combination with a

container design. Katayama is cited for the disclosure of an automobile hatchback trunk that has a lock. The Action concludes that it would have been obvious for the ordinarily skilled artisan to combine the latch of Raffelsiefer with the trunk of Katayama to conceive the subject matter of Claim 1.

In response, Applicants note that, as discussed above, Raffelsiefer fails to disclose a lock having a rotary member that is prevented from rotation in one direction but that is free to rotate in the opposite direction by a projection on a pawl member. There is nothing in Katayama that in any manner suggests this configuration; in fact, Katayama shows no details whatsoever regarding a lock design. Inasmuch as neither of the cited references discloses or suggests at least this element of Claim 1, Applicants submit that the Action does not provide a proper *prima facie* rejection under Section 103(a), and respectfully requests that the rejection of Claim 1 and claims dependent therefrom be withdrawn.

B. Rejection of Independent Claim 33

The Action states that Claim 33 is unpatentable under Section 103(a) based on Raffelsiefer in view of Katayama in further view of Garvey and U.S. Patent No. 5,496,080 to Chabanne et al. (Chabanne). The Action cites Raffelsiefer and Katayama as described above in Section VI.A, but concedes that this combination fails to disclose an explicit striker plate and bracket arrangement. Garvey is cited as disclosing an adjustable striker plate and bracket combination that allows alignment of the locking pin. Chabanne is cited as disclosing "biasing means of a helical spring." Based on these characterizations, the Action concludes that the subject matter of independent Claim 33 would have been obvious under Section 103(a).

Applicants direct the Examiner's attention to Claim 33, which has been amended to recite that the striker plate is pivotally mounted to the mounting bracket about a third axis that is generally perpendicular to the slot of the rotary unit base plate. This configuration (which was formerly recited in canceled Claim 34) simply appears nowhere in any of the cited references. As such, Applicants respectfully submit that Claim 33 defines over the art of record, and request that the rejection of Claim 33 and claims dependent therefrom be withdrawn.

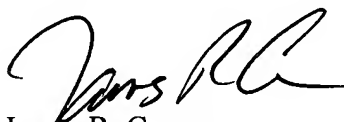
VII. Other Matters

The Action states that the Information Disclosure Statement filed by Applicants fails to comply with 37 C.F.R. 1.98(a), but does not specify why the submission fails to comply. Applicants have submitted herewith a Supplemental Information Disclosure Statement with a darker copy of the drawings cited therein. If there are additional issues with the submission, Applicants respectfully request that the Examiner contact the undersigned and identify them so that Applicants can submit a document that complies with Rule 1.98(a).

VIII. Conclusion

Inasmuch as the points and concerns raised in the Official Action have been addressed in full, Applicant respectfully requests that this application is in condition to pass to issue, which action is respectfully requested. Should the Examiner have any matters of outstanding resolution, he is encouraged to telephone the undersigned at 919-854-1400 for expeditious handling.

Respectfully submitted,

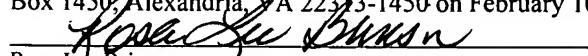


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